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Intercountry Adoption Act of 2000: Hague Convention Agency accreditation and person
approval

We strongly object to Intercountry Adoption Act, 22 CFR Parts 96 and 98. Read on:
As an adopting parent currently in the process of adopting from Russia, it distresses me greatly to hear of the proposed regulations in this new Intercountry Adoption Act, 22 CFR Parts 96 and 98, as the adoption process is already so expensive. It is obvious to me that the people involved in drafting these regulations have not tried to adopt from a foreign country. In talking to others going through the same process, it seems they strongly object to this act as well, for the same reasons.
I am writing to object to the US State Department's handling of the proposed regulations for the Intercountry Adoption Act, 22 CFR Parts 96 and 98. The proposed regulations will be incredibly damaging to international adoption. I believe that, if they are adopted, they will greatly increase the cost of international adoption, possibly by as much as \$5,000 per adoption. Most of this burden will fall on the middle class, effectively acting as an additional tax on the majority of your constituents who wish to adopt internationally.

The fundamental process used to write the regulations was deeply flawed. No serious attempt was made to involve all parts of the adoption community. For example, the Department of Health and Human Services maintains a list of over 1,000 licensed adoption agencies and adoption attorneys. No notice was sent to these organizations and individuals to request their input. While a few professional associations were contacted, there are many adoption practitioners who do not belong to any professional association, and as a result were never given the opportunity to comment on the writing of these regulations.

These regulations were written with no regard to the amount they will cost adoption agencies and adoptive parents. At the October 28, 2003 public information meeting in Washington DC, State Department representatives stated that the cost of the regulations were taken into account when they were drafted. When directly asked how much the State Department officials thought the regulations would cost to implement, they first avoided the question. Then they asked for the adoption agencies present to provide input on what the agencies thought the regulations would cost. This begs the question of how they could have considered cost when they had no cost estimates. At the October meeting, adoption agencies informally commented that they estimated that becoming accredited would cost even small and medium agencies \$50,000 or more.

These regulations were written with no meaningful regard to the impact they will have on small adoption agencies, or possible new agencies in the future. The cost of accreditation, the expense of \$1,000,000 per occurrence of liability insurance, the requirement that each agency maintain 3 months worth of operating expenses in cash, all in addition to the expenses and difficulties of meeting state licensing requirement could cause as many as half of the adoption agencies in the United States to fail, and virtually no new agencies to get started. Small, grass roots, adoptive parent founded agencies have been one of the most important and vital aspects of international adoptions, and the proposed regulations will destroy too many of them.

While the Intercountry Adoption Act addresses several perceived problems with international adoption, the US State Department never attempted to quantify the extent or source of these problems. It is my belief that unlicensed facilitators and families acting independently are responsible for a majority of the complaints about international adoption. The problems they cause will not be addressed by the proposed regulations at all. If adoption agencies have to raise their fees in order to obtain accreditation, then this will drive more families into these riskier, potentially unethical adoptions. No attempt was made by the State Department, or the consultants hired to write the first draft of the regulations, to systematically contact and survey internationally adopting families. Contact information about these families is readily available from the BCIS.